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**PRELIMINARY DRAFT**  
**No. 3421**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2011 GENERAL ASSEMBLY**

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**DIGEST**

**Citations Affected:** IC 22-5-6.

**Synopsis:** Arrest and conviction admissions. Provides that an employer may inquire about and consider an individual's arrest or criminal conviction records if the arrest or conviction bears a rational relationship to the duties and responsibilities of the individual's position or employment or a potential position or employment. Provides that an employer may inquire into and consider an arrest or conviction record of a prospective employee after the prospective employee has received a conditional offer of employment.

**Effective:** July 1, 2011.



A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 22-5-6 IS ADDED TO THE INDIANA CODE AS  
2       A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY**  
3       **1, 2011]:**

4       **Chapter 6. Employer Inquiries Into Conviction and Arrest**  
5       **Records**

6       **Sec. 1. (a) Except as provided in subsection (b), an employer**  
7       **may inquire about and consider an individual's arrest or criminal**  
8       **conviction record for purposes of:**

9               **(1) hiring or terminating the individual; or**

10              **(2) the terms, conditions, or privileges of employment;**  
11       **if the arrest or conviction record bears a rational relationship to**  
12       **the duties and responsibilities of the individual's position or**  
13       **employment or a potential position or employment.**

14       **(b) An employer may inquire into and consider an arrest or**  
15       **conviction record for a prospective employee only after the**  
16       **prospective employee has received a conditional offer of**  
17       **employment. An employer may withdraw a conditional offer of**  
18       **employment if the prospective employee has a conviction record**  
19       **that bears a rational relationship to the duties and responsibilities**  
20       **of the position.**

